

5. On July 28, 2016, the JPML heard oral arguments on Defendant's motion to consolidate and transfer.

6. On August 5, 2016, the JPML denied Defendant's motion to consolidate and transfer. *See* Dkt. No. 25. Accordingly, there is no reason to further delay the proceedings.

7. Plaintiff Stacy Pincus now moves this Court for leave to substitute Steven Galanis as the named Plaintiff in this action, and remove herself from the caption.

8. Plaintiff further seeks leave to file the attached Amended Complaint *instanter*, naming Steven Galanis as the Plaintiff, on behalf of himself and all others similarly situated. *See* Exhibit A.

9. As laid out in the attached Amended Complaint, Plaintiff does not modify the substantive allegations in any way. Accordingly, Defendant will not be prejudiced by the filing of the Complaint and the substitution of parties.

10. Plaintiff contacted counsel for Defendant to inquire as to whether it would oppose this Motion, and tendered a copy of the proposed Amended Complaint; counsel indicated that they would likely not have any objection to the amendment, but noted that a stay was still in place.

11. In the meantime, during the stay, counsel for Defendant filed a motion to admit one of its attorneys *pro hac vice*, which was granted. *See* Dkt. 26-27.

12. Allowing Plaintiff to file the attached Complaint will conserve judicial economy, and is in the spirit of Judge Durkin's July 5, 2016 ruling. Defendant has not yet answered Plaintiff's complaint, and allowing this amendment now would allow Defendant to file its answer or other responsive pleading in response to Mr. Galanis' Complaint when the stay is lifted by this Court.

13. Further, Plaintiff notices this motion for a date and time that the parties are already scheduled to be before the Court.

14. In fact, this is the ideal time for allowing a substitution of Plaintiff, as it will avoid further delay in the future when the stay is lifted.

15. Allowing Plaintiff to file the attached Amended Complaint would therefore promote the efficient handling of the case both now and when the stay is lifted.

16. As noted, Defendant's deadline to file its responsive pleading has been deferred indefinitely, so this substitution of parties would cause Defendant no harm.

WHEREFORE, Plaintiff Stacy Pincus requests that this honorable Court grant her motion to substitute parties and grant her leave to file the attached Complaint, *instantly*, and for whatever further relief this Court deems just and proper.

Respectfully submitted,

/s/ Steven A. Hart

Attorney for Plaintiff,
Stacy Pincus and the Putative Class

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